

**AMENDMENTS TO THE DRAWINGS**

Attached hereto are three (3) replacement sheets of corrected formal drawings that comply with the provisions of 37 C.F.R. § 1.84. These replacement sheets, which depict Figures 2, 15 and 16, replace the original sheets depicting Figures 2, 15 and 16.

The corrected formal drawings incorporate the following drawing changes:

Figs. 2 and 15 are amended so as to be labeled as “Related Art”. Fig. 16 is amended so as to be labeled as “Conventional Art.”

Figs. 8 and 9 are not amended because they represent aspects of the present invention.

It is respectfully requested that the corrected formal drawings be approved and made a part of the record of the above-identified application.

**REMARKS**

Claims 1-18 are pending in this application. Claims 1 and 2 are independent claims. By this amendment, claim 1 is amended, and Figs. 2, 15 and 16 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

**Copies of Initialed PTO-1449 Requested**

Applicants respectfully request a copy of the initialed PTO-1449 submitted on August 24, 2001.

In reviewing the application file, the undersigned has noted that the appropriate initialed Form PTO-1449 in response to the Information Disclosure Statement (IDS) filed on August 24, 2001 has not been received by Applicants. The Examiner is therefore requested to return a copy of the initialed Form PTO-1449 to the undersigned as soon as possible.

**Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 2-18 over the art of record. However, applicants respectfully submit that all of claims 1-18 are allowable, for at least the reasons set forth below.

**Drawing Corrections**

The Office Action objects to Figs. 2, 8-9 and 15-16 because only that which is old is allegedly illustrated. (see Office Action, page 2).

Applicants respectfully point out that in amended Figures 2 and 15, the legend "Related Art" is added and in amended Fig. 16, the legend "Conventional Art" is added.

Figs. 8 and 9 illustrate aspects of the present invention and are thus not amended.

As such, Applicants respectfully requests withdrawal of the objections to the drawing and further requests that the corrected drawings be approved and made a part of the record of the above-identified application.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejection:

Claim 1 is rejected under 35 U.S.C. §102(a) as being anticipated by Applicant's admitted prior art (present specification, page 1, line 10 to page 12, line 15) (hereafter AAPA).

Applicants respectfully submit that the claimed invention is distinguishable from the cited art, AAPA, for at least the following reasons:

The Examiner alleges that AAPA teaches a middle-high-range luminance component compensation section on page 11, lines 10-17 and Fig. 9 because it is alleged that the combination of graphs d and c in Fig. 9 refers to "compensating a middle-high-range luminance component." (see Office Action, page 2). Applicants respectfully disagree with this allegation.

For example, the present specification defines a middle-high-range luminance component as an intermediate range between a middle range and a high range in a region less than or equal to the sampling frequency  $f_s$ . (see present specification, page 10, lines 12-16).

On page 10 of the present specification, the present invention is described wherein it is noted that a compensation filter having a frequency characteristic substantially represented by graph D1 (in Fig. 8) is used to newly extract a middle-high-range luminance component and combine it with middle and high-range luminance components at a predetermined ratio.

Typically, optical low-pass filters were used that cut out frequency components lower than or equal to  $f_s/2$ . However, such conventional optical low-pass filters also attenuated frequency components lower than or equal to  $f_s/2$ . The present invention corrects this discrepancy by compensating for a middle-high-range luminance component.

In contrast with the present invention, AAPA, as described on page 11, lines 10-17 as cited by the Examiner, fails to disclose extracting a "middle-high-range" luminance component as defined in the present specification. Instead, what is described on page 11, lines 10-17 is merely a conventional technique wherein a "middle-range" luminance component and a "high-range" luminance component are compensated for by the frequency characteristic curve (graph d) of the middle-range luminance component compensating filter and the frequency characteristic curve (graph c) of the high-range luminance component compensating filter of Fig.

9. However, the conventional technique fails to disclose extracting a “middle-high-range” luminance component and combine it with a middle and a high-range luminance component.

The Examiner alleges that the combination of graphs d and c in Fig. 9 refers to “compensating a middle-high-range luminance component.” (see Office Action, page 2). Applicants disagree with this allegation. Applicants submit that the Examiner is improperly broadly reading the conventional technique as including such a “middle-high-range compensation” when no such compensation is expressly taught.

Claim 1 recites, *inter alia*, a middle-high-range luminance component compensation section for compensating for a middle-high-range luminance component representing an intermediate range between a middle range and a high range of a low-frequency luminance signal.

The cited conventional technique fails to describe an intermediate range between a middle range and a high range of a low-frequency luminance signal. Instead, the conventional technique merely uses the middle range and the high range and fails to consider an intermediate range between the middle and high ranges.

According to MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 ( Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, AAPA, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claim 1 is allowable over AAPA for at least the reasons noted above. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(a) is respectfully solicited.

Conclusion

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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